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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,870	11/12/2003	Michael D. Mills	VUT-014	6742
31408 7590 12/04/2007 LAW OFFICE OF JAMES TROSINO 92 NATOMA STREET, SUITE 211 SAN FRANCISCO, CA 94105			EXAMINER MARTIN, LAURA E	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 12/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SK

Office Action Summary

Application No.

10/706,870

Applicant(s)

MILLS ET AL.

Examiner

Laura E. Martin

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,9-11,25-27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,9-11,25-27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29, 30, 1, 3, 4, 9-11, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swinski et al. (EP 1060895 A1) in view of Sieno et al. (US 6361138 B1).

Swinski et al. disclose the following claim limitations:

As per claims 29 and 30: a method and printing system that comprises a plurality of ink containers (figure 1, elements 14a/b/c/d), each ink container comprising an ink, the method comprising: providing a plurality of tags (figure 1, elements 54a/b/c/d); uniquely associating each tag with a corresponding one of the containers, each tag

comprising rewritable data that identifies a manufacturing date of the associated ink [0048] – Table 1; installing the plurality of ink containers in the printing system [0053]; providing a controller that allows a user to instruct a reader/writer to read data from an identified tag and to write the manufacturing date of the associated ink to the identified tag while the ink container is installed in the printing system [0053] and [0048] – Table 1.

As per claim 1: each tag comprises a memory with logic which stores the manufacturing date data of the associated ink, and a source which generates a signal relating the data; and wherein the reader/writer is adapted to read the signal from the identified tag [0010], [0015], [0019].

As per claim 3: the signal comprises a radio frequency signal [0015].

As per claim 4: the memory also stores data that identifies the color of the associated ink [0048].

As per claim 9: each tag is attached to the associated container (figure 1, elements 14a/b/c/d and 54a/b/c/d).

As per claim 10: the signal from the identified tag is transmitted to the reader/writer wirelessly [0015], [0044], and [0048].

As per claim 11: each of the tags comprise a radio frequency identification tags [0041] and [0044]; (figure 2, elements 54a/b/c/d and 56a/b/c/d).

As per claim 25: using a reader/writer to wirelessly read the data from the identified tag [0041] and [0044].

As per claim 26: the data from the identified tag is read via a radio frequency signal [0041] and [0044].

Swinski et al. do not disclose the following claim limitations:

As per claims 29 and 30: an expiration date of the ink, and determining if the expiration date of the ink associated with the identified tag has been exceeded.

As per claim 27: disabling the printing system if the expiration date of the ink associated with the identified tag has not been exceeded.

Sieno et al. disclose the following claim limitations:

As per claims 29 and 30: an expiration date of the ink, and determining if the expiration date of the ink associated with the identified tag has been exceeded (column 4, line 55-column 5, line 4).

As per claim 27: disabling the printing system if the expiration date of the ink associated with the identified tag has not been exceeded (column 4, line 55-column 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printing system and method taught by Swinski et al. with the disclosure of Sieno et al. in order to provide a more user friendly ink cartridge that conforms to how the user uses said cartridge.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swinski et al. (EP 1060895 A1) and Sieno et al. (US 6361138 B1), and further in view of Yoshimura et al. (US 6019461 A).

Swinski et al. as modified disclose the following claim limitations:

As per claim 7: the printing apparatus of claim 29.

Swinski et al. as modified do not disclose the following claim limitations:

As per claim 7: a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded.

Yoshimura et al. disclose the following claim limitations:

As per claim 7: a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded (column 4, line 65-column 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printing apparatus taught by Swinski et al. as modified with the disclosure of Yoshimura et al. in order to better identify ink cartridges and improve upon printer quality and user satisfaction.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 4, 7, 9-11, 25-27, 29, and 30 have been considered but are moot in view of the new ground(s) of rejection.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura E. Martin


12/3/07
MANISH S. SHAH
PRIMARY EXAMINER